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Date:

5/10/04

Pages (including this cover):

34

TO:

BILL PLAYER

APPLICATION:

09/341,700 (Atty Docket #
P 3763450)

FAX:

202-393-5350FROM:
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Art Unit 1635

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This includes
Added [DRAFT]
Amendments.**COPY**

DRAFT

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Player on or about 5-10-04.

The application has been amended as follows:

Please replace claim 70 with the following:

Claim 70 (amended) A method for the selection and preparation of an effective antisense oligonucleotide for a nucleic acid comprising the steps of
designing an antisense oligonucleotide corresponding to a target nucleic acid sequence, such that

- a) the antisense oligonucleotide comprises at least 8 nucleic acid residues,
- b) the antisense oligonucleotide comprises a maximum of twelve elements, each the twelve elements being a nucleotide capable of forming three hydrogen bonds to a cytosine base,
- c) the antisense oligonucleotide does not contain four or more consecutive elements,

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d) the antisense oligonucleotide does not contain two or more series of three consecutive elements, and

e) the ratio of residues forming two hydrogen bonds each with the target nucleic acid sequence with respect to residues forming three hydrogen bonds each with the target nucleic acid sequence is

$$\frac{3\text{H-bond-R}}{3\text{H-bond-R} + 2\text{H-bond-R}} \geq 0.29$$

wherein

- 3H-bond-R = residues forming three hydrogen bonds per residue and
 - 2H-bond-R = residues forming two hydrogen bonds per residue,
- generating the designed antisense oligonucleotide, and
 - synthesizing the generated antisense oligonucleotide.

In claim 75, line 5, a comma (--,--) has been inserted after "sugar".

Please replace claim 78 with the following:

Claim 78 (amended) An antisense oligonucleotide consisting of SEQ ID NO: 1754.

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Conclusion

Certain papers related to this application may be submitted to Art Unit 1635 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone number for the Group is **703-872-9306**. NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jane Zara** whose telephone number is **(571) 272-0765**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader, can be reached on (571) 272-0760. Any inquiry regarding this application should be directed to the patent analyst, Katrina Turner, whose telephone number is (571) 272-0564. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

JZ
5-10-04